THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17230 OF 2001

DATED:9.8.2005

Between:

S.Srinivasulu, S/o.Govindappa

H.No.45/397-5

Venkataramana Colony, Kurnool

Kurnool District.

…Petitioner

And

1. The Commissioner,

Prohibition & Excise

Government of Andhra Pradesh

Hyderabad, and others

…Respondents

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WRIT PETITION NO.17230 OF 2001

ORDER:

The petitioner is owner of mini-lorry bearing No.KA 40-138. Third respondent herein stopped and checked the vehicle on 27.11.2000. It was found carrying ninety bags each containing 300 arrack sachets. Third respondent therefore registered a crime and reported to second respondent. Second respondent initiated action under Section 13 of the A.P. Prohibition Act, 1995 (for short, the Act) and issued show cause notice. The petitioner did not submit any explanation. Therefore, after considering the material on record by proceedings dt.17.3.2001 second respondent ordered confiscation of mini-lorry under sub-section (2) of Section 13 of the Act.

Aggrieved by the same, petitioner filed an appeal before first respondent under Section 13-C of the Act on 19.7.2001. The same was rejected by first respondent on the ground that it was filed beyond prescribed period of limitation. This order is assailed in the Writ Petition.

This Court while admitting the Writ Petition on 18.8.2001 passed interim orders in W.P.M.P.No.21556 of 2001 ordering release of the vehicle to the petitioner on his furnishing bank guarantee in a sum of Rs.15,000/- (Rupees fifteen thousand only). It is now brought to the notice of this Court that petitioner did not comply with the condition imposed by this Court and the vehicle stands confiscated to the Government. Learned counsel for the petitioner is absent and there is no representation.

A reading of the proceedings dt.9.8.2001 passed by first respondent would reveal that petitioner filed appeal on 19.7.2001. Though in the affidavit accompanying the Writ Petition petitioner alleges that he received proceedings of second respondent on 15.7.2001 and immediately filed appeal before first respondent on 19.7.2001, the same is not proved by producing relevant evidence either before first respondent or before this Court. Therefore, I do not find any incurable defects in the proceedings of first respondent.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

9.8.2005

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